



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/306,650	09/14/94	KATZ	R 4646101N5

LM61/1211

EXAMINER

WOO, S

ART UNIT	PAPER NUMBER
2743	16

DATE MAILED:

12/11/97

LYON & LYON  
FIRST INTERSTATE WORLD CENTER  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES CA 90071-2066

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

FEB 11 1998  
U.S. PATENT AND TRADEMARK OFFICE

**Office Action Summary**Application No.  
08/306,650

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit

2743

 Responsive to communication(s) filed on Sep 22, 1997 This action is **FINAL**. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims** Claim(s) 24-143 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

 Claim(s) 56, 58-77, and 119-143 is/are allowed. Claim(s) 24-55, 78, and 80-118 is/are rejected. Claim(s) 57 and 79 is/are objected to. Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers** See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner. The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119** Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)** Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2743

## **DETAILED ACTION**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 78, 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entenmann et al. (Entenmann) in view of the reference entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" by Hester et al. (Hester).

Entenmann discloses a telephonic-interface control system for a game of chance comprising:

interface means (col. 2, lines 54-56);  
voice generator means (announcement system 17);  
processing means (control processor 8);  
qualification means (col. 2, line 65 - col. 3, line 4);  
means for storing (database 19).

Entenmann differs from claims 78, 80-82 in that it does not specify the use of DNIS for selecting from a plurality of formats. However, Hester teaches the well known use of DNIS for access to a plurality of formats (page 3, second paragraph) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of DNIS, as taught by Hester, within the

Art Unit: 2743

lottery system of Entenmann in order to allow for the handling of a number of different services using one set of trunks and voice response units.

3. Claims 24-55, 83-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entenmann in view of Hester, as applied to claims 78, 80-82 above, and further in view of Barr and Muller et al. (Muller).

The combination of Entenmann and Hester differs from claims 24-55, 83-118 in that it does not specify a distinct indicia, or bar code number, co-related to at least a portion of the identification number provided on the ticket. However, Barr teaches the well known use of lottery ticket provided with a lottery number to be entered by dialing in to a provided telephone number and Muller teaches the conventional use of a bar code number co-related to the lottery identification number for the purpose of providing a high level of security when verifying winning tickets (Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a lottery ticket, as taught by Barr, and the use of a bar code, as taught by Muller, within the combination of Entenmann and Hester.

4. Claims 56, 58-77, 119-143 are allowed.

5. Claims 57, 79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments filed September 22, 1997 have been fully considered but they are not persuasive.

Art Unit: 2743

Regarding claim 80, Applicant argues that Entenmann does not show a look-up table. However, Entenmann does show use of a database for qualifying callers using stored customer records (col. 2, line 65 - col. 3, line 4) such that the database can be considered as a “look-up table”.

7. Applicant's arguments with respect to claims 24-55, 78, 80-118 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2743

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

(703) 305-9508, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

\*\*\*\*\*

**IMPORTANT NOTICE**

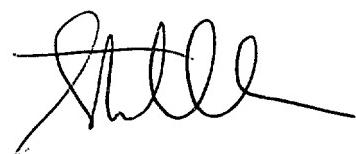
\*\*\*\*\*

Effective November 16, 1997, the Examiner handling this application will be assigned to a new Art Unit as a result of the consolidation into Technology Center 2700. See the forth coming Official Gazette notice dated November 11, 1997. For any written or facsimile communication submitted ON OR AFTER November 16, 1997, this Examiner, who was assigned to Art Unit 2605, will be assigned to Art Unit 2743. Please include the new Art Unit in the caption or heading of any communication submitted after the November 16, 1997 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

EXAMINER'S Docket Sheet

Art Unit: 2743

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703)305-4395 and can normally be reached Monday-Friday, 6:30 a.m. to 10:30 a.m. Her supervisor, Curt Kuntz may be reached at (703)305-4708.



STELLA WOO  
PRIMARY EXAMINER  
GROUP 2600

December 8, 1997

RECEIVED - U.S. PATENT & TRADEMARK OFFICE